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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,090	05/31/2000	E. Michael Lunsford	25216-808	6893

29989 7590 10/07/2003

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EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/07/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/587,090	LUNSFORD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID Y. ENG	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.                                   |

July 28, 2003, Applicants The proposed correction of the drawings has been approved.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-11 and 13-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (IDS, USP 6,000,000).

Claims 12 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (IDS, USP 6,000,000) in view of Chase (5,974,238).

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

With respect to claims 1, 22 and 36, item (1) in Applicants' remarks, Applicants appear to contend that the claim is patentable over Hawkins because Hawkins teaches data transfer between a handheld computer and a desktop computer whereas the transferring of data in the instant invention is between two handheld computers. Applicants fail to provide any arguments and the claims fail to recite how the data transferring between two handheld computers and between a handheld and a desktop are different. Applicants further fail to provide any arguments as to why it is not obvious to transfer data between two handheld computers in view of the Hawkins patent. It should be noted that labels of devices such as handheld or desktop computers are not patentable subject matters.

With respect to the feature involving selecting a first folder, Applicants stated that they have scrutinized Hawkins and have not found any suggestion of such as approach


Art Unit: 2155

to selecting an item for synchronization. It should be noted that the act of selecting in transferring selected data items between two computers is inherent. File organization hierarchy such as block, file and folder is well known in the art. Whether block, file or folder is selected is dependent on the file organization hierarchy being implemented.

With respect to claims 22 and 36, item (2) in Applicants' remarks, the Examiner is unable to find the recitation or the claim language in the claims. Applicants appear to contend that in the instant invention, data items to be transferred or stored are identified by identification. Note that the data items transferred between the two computers in Hawkins are address and telephone numbers of individuals. Obviously, address and telephone numbers are identified by the names of individual. See lines 21-40 of column 2 in Hawkins.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



DAVID Y. ENG  
PRIMARY EXAMINER